

REMARKS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 remain pending in the present Application. Amendments have been provided to the specification to correct typographical errors. Claim 20 has been added. Claims 1, 2, 4, 6, 8, 10, 11, 13, 15, 17 and 19 have been amended. Support for the substantive amendment of Claims 1, 10 and 19 can be found at least on page 21, line 14 through page 22, line 1. No new matter has been added. By way of summary, the Official Action presents the following issues: Claims 1-19 stand rejected under 35 U.S.C. § 102 as being anticipated by Downs et al. (U.S. Patent No. 6,226,618, hereinafter Downs).

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-19 under 35 U.S.C. § 102 as being anticipated by Downs. The Official Action states that Downs discloses all the Applicants' claim limitations as presently recited. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information vending apparatus including:

usage condition generating means for generating usage conditions in response to a purchase selection of the information for sale . . .

authentication means for authenticating a recording medium directly or indirectly loaded on said information vending apparatus; and,

writing means for writing said purchase selection to said recording medium authenticated by said authentication means along with said usage conditions and said cryptographic key.

By way of background, content vending systems include a collection of digital information for purchase by a user. Copy protection systems are desired in conjunction with the distribution of content to preclude the copying of the content. For example, copy

protection systems may preclude copying all together, or, limit copying to a certain number of instances. However, in content vending systems, usage conditions, such as license terms, are not provided, or easily circumvented.¹

In light of at least the above deficiency in the art, the present invention is provided. With at least this object in mind, a brief comparison of the claimed invention, in view of the cited reference, is believed to be in order.

Downs describes a digital content distribution platform (100). The platform enables content providers (101) to distribute content to customers via a transmission infrastructure (107) and hosting cite (111) (*See* Fig. 1D).² Specifically, content is packaged to form secure containers (SC) for delivery. For example, as outlined Downs at in Steps 142-148 of column 19, a user purchasing a secure container initiates a series of communications to decrypt the secure container by accessing encryption keys of a clearing house (105).

Conversely, in an exemplary embodiment of the Applicants' invention, content is selected from a list of available content by a user via a vending apparatus. Upon selection of content for purchase, usage conditions are generated along with an encryption key for decrypting the encrypted, selected content. Upon authentication of an appropriate recording medium, the purchase selection, along with the cryptographic key, are recorded to the recording medium. In this way, the consumer can store the selected content from the vending apparatus by providing a recording medium to the vending apparatus.³ Downs does not disclose or suggest generating usage rules and an encryption key in response to a purchase selection. Likewise, Downs does not disclose or suggest providing the usage rules, encryption key and content to a recording medium authenticated by the vending apparatus as

¹ Application at pages 1-6.

² Downs at column 8, line 55 through column 9, line 3.

³ Application at Figs. 3 and 6, and associated description in the specification.

recited in Claim 1 or any claim depending therefrom by virtue of dependency. As Claims 10 and 19 recite substantially similar limitations as discussed above, Applicants submit that these claims, and any claims depending therefrom, are likewise allowable. Therefore, Applicants respectfully request that the rejection of Claims 1-19 under 35 U.S.C. § 102 be withdrawn.

NEW CLAIM

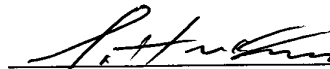
New Claim 20 recites substantially the same limitations as discussed above with reference to Claim 1, albeit in non-means-plus-function terminology. Accordingly, Applicants respectfully submit that Claim 20 is allowable over the cited reference.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-20, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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